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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/579,467

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Shunsuke Shutou

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EXAMINER

CHANG, CHARLES S

ART UNIT

PAPER NUMBER

2881

MAIL DATE

DELIVERY MODE

07/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/579,467	Applicant(s) SHUTOU, SHUNSUKE	
	Examiner CHARLES CHANG	Art Unit 2881	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 6-20 and 25-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/28/2006, 8/15/2006, 5/15/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 6-16, 19-20, 23, and 26-30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on June 16, 2008.
2. Applicant's election without traverse of claims 1-5, 17-18, 21-22, and 24-25 in the reply filed on June 16, 2008 is acknowledged.
3. During a telephone conversation with Nicolas Seckel on July 16, 2008, a provisional election was made without traverse to prosecute the invention of Group I Species A, claims 1-5, 21-24. Affirmation of this election must be made by applicant in replying to this Office action. Claims 6-20, 25-30 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Information Disclosure Statement

4. The information disclosure statement filed May 15, 2006 (JP 9-222605, WO 03/091767, JP 11-72621) and August 15, 2006 (JP 2631015, JP 2000-511296, JP 8-511812, JP 10-508048, JP 2001-343529) fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language.

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It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 5, the polymer of "the non-liquid crystal polymer" is unclear. Specifically, it is unclear how "the non-liquid crystal polymer" is a polymer of a liquid crystal compound when it is non-liquid crystal.

Inasmuch as the claims is able to be understood in the light of the 112 rejection, the following rejections based on prior art apply.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5 and 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Murayama et al. (US 6778242).

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Regarding claim 1, Murayama discloses a retardation film (4a, 73, OC1), showing birefringence, wherein the said retardation film comprises a non-liquid crystal polymer (72), the non-liquid crystal polymer is aligned, alignment of the non-liquid crystal polymer on at least one of surfaces of the retardation film is different from alignment of the non-liquid crystal polymer on an inside of the retardation film, and the surface having the alignment that is different from the alignment on the inside functions as an alignment surface (Figs. 1, 8, 14; col. 49 lines 3-34; col. 56 lines 27-48).

Regarding claim 2, Murayama discloses a retardation film, having a function as an alignment film (col. 35 lines 45-47).

Regarding claim 3, Murayama discloses a retardation film, wherein optical characteristics show any of formulae (I) to (III) below, $n_x = n_y > n_z$ (I) $n_x > n_y > n_z$ (II) $n_x > n_y = n_z$ (III), where, in the above formulae (I) to (III), n_x , n_y and n_z respectively indicate refractive indices in an X-axis direction, a Y-axis direction and a Z-axis direction in the retardation film, the X-axis corresponds to an axial direction exhibiting a maximum refractive index within a plane of the retardation film, the Y-axis corresponds to an axial direction perpendicular to the X-axis within the plane, and the Z-axis corresponds to a thickness direction perpendicular to the X-axis and the Y-axis (Fig. 5).

Regarding claim 4, Murayama discloses a retardation film, wherein the non-liquid crystal polymer contains at least one polymer selected from the group consisting of polyamide, polyimide, polyester, polyetherketone, polyaryletherketone, polyamideimide and polyesterimide (col. 56 lines 27-28).

Regarding claim 5, Murayama discloses a retardation film (4a), wherein the non-liquid crystal polymer (5a) is a polymer of a liquid crystal compound (Fig. 15).

Regarding claim 21, Murayama discloses an optical film comprising the retardation film (4a) (Fig. 1).

Regarding claim 22, Murayama discloses an optical film, further comprising a polarizing element (3a) (Fig. 1).

Regarding claim 23, Murayama discloses an image display apparatus, comprising the optical film (Fig. 1).

Regarding claim 24, Murayama discloses an image display apparatus, which is a liquid crystal display (Fig. 1).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES CHANG whose telephone number is (571)270-5024. The examiner can normally be reached on Mon-Fri 7:30A.M. - 5:00 P.M. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (571) 272-2293. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CC

/ROBERT KIM/
Supervisory Patent Examiner, Art Unit 2881